

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: Confirmation No.: 6075

LAMBIASE, Alessandro Art Unit: 1615

Application No.: 09/890,088 Examiner: Woodward, Cherie

Filed: July 26, 2001 Attorney Dkt. No.: 026073-00020

For: METHOD OF TREATING INTRAOCULAR TISSUE PATHOLOGIES  
WITH NERVE GROWTH FACTOR

**RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2010

Sir:

This paper is filed in response to the Notice dated December 4, 2009, along with a Petition for Four (4) Month Extension of Time and payment of the appropriate fees.

The Notice stated that the Response filed on October 29, 2009, was not fully responsive because the Applicants had not adequately replied to the Provisional obviousness-type double patenting rejection over U.S. Patent Application No. 12/064,172 (hereinafter "the '172 application").

Further to the arguments presented in the Response filed on October 29, 2009, Applicants provide the following comments. Applicants submit that the Notice is improper, as the '172 application is pending and has not been issued or allowed. Applicants also note that the '172 application, which claims priority to a PCT application filed on August 11, 2006, would unlikely expire before the expiration of the present application, which claims priority to a PCT application filed on January 21, 2000. As of the date of this Response, a first Office Action on the merits has not even been issued in the '172 application. Therefore, Applicants submit that it is inappropriate to require